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Criminal deportees often fly unescorted

By SUSAN CARROLL Copyright 2009 Houston Chronicle

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Immigration and Customs Enforcement officials routinely put illegal immigrants unescorted on commercial flights for deportation, including some who are sex offenders or have other criminal records, according to documents and field agent accounts.

The practice has prompted complaints from a key U.S. senator and ICE union leaders, who contend that putting illegal immigrants convicted of serious crimes on commercial airlines unescorted poses a severe public safety risk.

Unescorted deportees have caused disruptions on flights and have absconded after unscheduled stops, including two Peruvian deportees who disappeared from Houston's Bush Intercontinental Airport in July, according to field agent reports collected by union officials. Internal ICE documents show that illegal immigrants convicted of sex crimes involving victims as young as 11 have been allowed to fly unescorted.

"This is an absolute risk to public safety," said Chris Crane, ICE Council 118's vice president for Detention and Removal Operations. "And it's happening every day."

Of the 27,899 illegal immigrants put on commercial airlines last year for deportation at a cost of nearly \$44 million, more than 75 percent flew unescorted, according to ICE data.

U.S. Sen. Mary Landrieu, D-La., a member of the

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Senate Homeland Security and Governmental Affairs Committee, said she became "gravely concerned" about the policy after being told of at least three instances involving unescorted sex offenders placed on commercial flights. Last October, she wrote to Julie Myers, the then-head of ICE, requesting that the policy be changed to require escorts for all sex offenders. The Bush administration took no action and did not respond to the senator's letter, according to Landrieu's spokesman.

Each case gets a look

Pat Reilly, an ICE spokeswoman, said the agency reviews deportees' cases individually and considers whether they have a history of criminal, aggressive or antisocial behavior before deciding to put them on commercial flights. ICE supervisors then assess "the alien's risk to the public, as well as the likelihood of absconding," Reilly said. She added that deportees may have records that do not necessarily make them a danger on a public flight, such as convictions for driving while intoxicated or fraud.

Reilly said the agency tries to use ICE-managed aircraft for deportations whenever possible, calling them secure and cost-effective. Only about 15 percent of the 186,930 illegal immigrants removed from the U.S. by air last year were placed on commercial flights, according to ICE data.

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Reilly said if the deportees are unescorted, ICE does not need to notify the airlines because "they pose no risk" to the public.

ICE has coordinated the removal of 7,552 illegal immigrants classified as "criminal aliens" via commercial flights since Oct. 1, according to ICE.

ICE officials did not say how many of those "criminal aliens" were unescorted. The agency also did not respond to a request for the number of incidents and disruptions on commercial flights.

Field agents have documented recent incidents involving illegal immigrants on commercial flights without escorts, including:

- On July 22, two Peruvians scheduled for deportation from Houston escaped after problems aboard Continental Flight 590, which was bound for Lima, Peru, according to union officials. The plane had taxied on the runway for hours before a passenger became ill, forcing the plane to return to the gate and passengers to deplane.

"Those prisoners have never been seen again," said Crane, with the ICE Council.

ICE officials said they were looking into the Houston case last week but could provide no information as of Tuesday on the two deportees, including whether they had a criminal record.

- The Transportation Safety Administration confirmed an April 23 incident on an American Airlines flight from Miami to Guatemala City involving a "disruptive passenger." E-mails between ICE field agents and supervisors show that an ICE deportee had to be restrained and note that the incident is under investigation by ICE.

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Reilly said the deportee being removed "was not a criminal and had no history of antisocial behavior." However, field agents reported to the union that the man had displayed high-risk behavior before being cleared for the flight by supervisors.

Supervisors' discretion

Under ICE's policy, deportees with no criminal record and no history of mental or behavioral problems are generally classified as Level 1 and do not require escorts on commercial flights. Level 2 deportees may have some criminal history, but are not considered violent offenders or a danger to public by ICE, and are permitted to fly unescorted. Level 3 deportees, the highest-risk category, may have convictions for serious or violent crimes, or a history of mental illness or erratic behavior that triggers a mandatory escort.

A subtle policy change in 2006 allowed supervisors to use discretion on whether or not deportees with a more serious criminal history require escorts, union officials said.

ICE records obtained by the Houston Chronicle show that supervisors have overridden field agents' classification of deportees and cleared them for commercial flight unescorted.

Cases include:

- A man convicted of sexually assaulting a 14-year-old girl was put on a commercial flight

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unescorted on June 25, 2007. The man worked at a high school and had lured the girl to a motel and threatened her not tell anyone what he did to her, according to the ICE escort threat assessment. He was still allowed to fly solo, however, since a supervisor ruled he was "basically sentenced to probation," and added the notation: "not a crime of violence."

- Another man convicted of attempted sexual abuse of a 15-year-old also flew unescorted on a commercial flight on March 13, 2007, ICE records show.

- An illegal immigrant described by his probation officer as a "pedophile" with a record for molesting an 11-year-old was deported unescorted May 1, 2006, according to ICE's threat assessment and internal e-mails.

In each of the cases, the field agents initially classified the deportee as a Level 3 offender requiring an escort but were overridden by supervisors, who adjusted them to Level 2 and cleared them to fly alone.

Senator wants ban

The Chronicle provided ICE officials with information on each of the cases involving sex offenders, including the dates of the flights in question, but Reilly said the agency would need more details, such as the name of the deportee, to provide additional information.

In her letter to ICE, Landrieu said ICE should not be making case-by-case determinations on escorting sex offenders, urging instead for a ban on putting sex offenders on flights unescorted.

The ICE union also supports a mandatory escort policy for "violent" criminals. Crane said field

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agents have been "trying to blow the whistle on (the policy) for years, at the risk of their own jobs," but so far have seen no changes.

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